

# Pounder Declaration Exhibit HH

**Kleiner, Yevgenia S.**

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**From:** Mick Marderosian <mgm@mcc-legal.com>  
**Sent:** Tuesday, October 16, 2018 9:21 AM  
**To:** whwang@loeb.com; Zakarin, Donald S.  
**Cc:** Heather Cohen; Kate Holly; Erin Smith Dennis (edennis@loeb.com); Bagley, Ross; Kleiner, Yevgenia S.  
**Subject:** FW: MTV - TEEN WOLF - BATTLEFIELD - "FLY CURIOUS"  
**Attachments:** VIACOM\_0005118.pdf; VIACOM\_0008616.pdf; July 2013 to Decemeber 2013\_USA BMI Performance\_ Fly Curious Teen Wolf.pdf; January 2015 to June 2015\_USA BMI Performance\_ Fly Curious Teen Wolf.pdf

Wook,

Here is single example of Extreme Paying Viacom a Publisher share of BMI Performance Income, that we are NOT receiving writer share income on our client's corresponding BMI statements.

The following evidence pertains to the MTV Series TEEN WOLF, episode *BATTLEFIELD*. The episode featured one of our works subject to this lawsuit titled "FLY CURIOUS."

Attached are Extreme semi-annual statements to Viacom for the JULY 2013 to DECEMBER 2013, and JANUARY 2015 to JUNE 2015 periods. You will see EXTREME paying VIACOM USA BMI Performance Royalties for "FLY CURIOUS" in the MTV series TEEN WOLF.

The next attachments are our BMI Statements for Q3 & Q4 2013 and Q1 & Q2 2015 showing WE ARE NOT BEING PAID Writers Performance Royalties from BMI for the MTV series "TEEN WOLF" for the song "FLY CUROUS" in either of these 6 month periods.

Yet both the Extreme and Viacom defendants are being paid publishing royalties for USA BMI PERFORMANCE of "FLY CURIOUS" in TEEN WOLF on the semi-annual statements provided to Viacom by Extreme.

Your client's are collecting Publishing income on our works performing on Viacom networks, and my clients are not being paid a writers share royalty reflecting the performance on our BMI writer share statements.

This is just one single example of what we have found. The gaps in your document production clearly are relevant to this analysis and need to be produced.

**Mick Marderosian**

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